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Attorneys for Defendants
 SAP AG, SAP America, Inc., and
 TomorrowNow, Inc.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

ORACLE USA, INC., *et al.*,

Plaintiffs,

v.

SAP AG, *et al.*,

Defendants.

Case No. 07-CV-01658 PJH (EDL)

**JOINT PROPOSED JUROR
 QUESTIONNAIRE**

Date: May 24, 2012
 Time: 2:30 pm
 Place: 3rd Floor, Courtroom 3
 Judge: Hon. Phyllis J. Hamilton

Pursuant to the Court's Pretrial Instructions, Plaintiff Oracle International Corporation ("Oracle") and Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (collectively, "Defendants," and with Oracle, the "Parties") submit their Joint Proposed Juror Questionnaire, attached as Exhibit A. In lieu of submitting voir dire questions to be posed by the Court in addition to the Court's standard juror questionnaire, the Parties submit a jointly prepared questionnaire to be provided to venire members to complete prior to voir dire. *See* ECF No. 1110 (Pretrial Order re Retrial).

DATED: April 26, 2012

Bingham McCutchen LLP

By: /s/ Geoffrey M. Howard
Geoffrey M. Howard
Attorneys for Plaintiff
Oracle International Corporation

In accordance with General Order No. 45, Rule X, the above signatory attests that concurrence in the filing of this document has been obtained from the signatory below.

DATED: April 26, 2012

JONES DAY

By: /s/ Tharan Gregory Lanier
Tharan Gregory Lanier
Attorneys for Defendants
SAP AG, SAP America, Inc.,
and TomorrowNow, Inc.

EXHIBIT A

7. Have you or anyone close to you ever worked for, owned stock in or done business with companies involved in this case or companies acquired by the companies in this case?

	<u>YES</u>	<u>NO</u>
Oracle International Corp.	_____	_____
Oracle USA, Inc.	_____	_____
Siebel Systems, Inc.	_____	_____
J.D. Edwards	_____	_____
PeopleSoft	_____	_____
TomorrowNow, Inc.	_____	_____
SAP America, Inc.	_____	_____
SAP AG	_____	_____
Acquired company (write in): _____	_____	_____

If you checked yes to any of the above, please explain:

8. Have you heard or do you know anything about Larry Ellison?

____ Yes ____ No

If you checked yes, please explain (including any opinions you have about Mr. Ellison):

9. Do you know any of the attorneys representing the parties in this case?

David Boies	____ Yes ____ No
Steven C. Holtzman	____ Yes ____ No
Donn P. Pickett	____ Yes ____ No
Geoffrey M. Howard	____ Yes ____ No
Fred Norton	____ Yes ____ No
Dorian Daley	____ Yes ____ No
Jennifer Gloss	____ Yes ____ No
Robert A. Mittelstaedt	____ Yes ____ No
Jason McDonell	____ Yes ____ No
Elaine Wallace	____ Yes ____ No
Tharan Gregory Lanier	____ Yes ____ No
Jane L. Froyd	____ Yes ____ No
Scott W. Cowan	____ Yes ____ No
Joshua L. Fuchs	____ Yes ____ No

If you checked yes to any of the above, please explain:

10. Have you ever been employed by or represented by or had any business dealings of any nature with the law firm of Jones Day, the law firm of Boies, Schiller & Flexner or the law firm of Bingham McCutchen?

___ Yes ___ No

If yes, please state the firm with which you have (or had) the relationship, and briefly describe nature and extent of the relationship (without revealing anything confidential):

11. Attached as Appendix 1 is a list of persons who are potential witnesses in this case. If you know, or think you may know, any of the persons listed, please circle their names.

Please indicate here whether you have circled any name(s): ___ Yes ___ No

12. Have you heard, read, or seen anything in the press or media about this lawsuit or any lawsuit that is similar?

___ Yes ___ No

If so, what have you heard, read, or seen? _____

Please state any opinions you have formed about this lawsuit based on what you have heard, read, or seen?

Employment and Education

13. What best describes your current employment status? (CHECK ALL THAT APPLY)

___ Employed part-time ___ Employed full-time ___ Self-employed
___ Full time student ___ Part time student ___ Homemaker
___ Retired since _____(date) ___ Unemployed, not looking for work
___ Unemployed, looking for work ___ Other (Please explain:
_____)

14. What type of work do you do and who is your employer (or, if you are not currently working, what type of work did you do at your most-recent employer)?

15. How long have you worked for your current employer or, if not currently working, how long did you work for your most recent employer?

16. If you have worked for your current employer for less than five years, describe your previous employment.

17. Have you studied, traveled, served in the military or worked abroad (*i.e.*, outside the United States)? If yes, where and when:

18. Do you speak and/or read German? ____ Yes ____ No

If yes, please describe your level of fluency. _____

19. What is the highest level of education you have completed? _____

Please list colleges or vocational schools attended and specify major areas of study: _____

20. What is the highest level of education your spouse, partner, or significant other has completed and what is his or her occupation, if any?

21. If you have children, please list each child's age and gender and, if they are employed, please give their occupation/employer.

22. Have you or any member of your family been affected by the recent economic downturn and/or mortgage crisis? ____ Yes ____ No

If yes, please explain: _____

Technical Knowledge and Opinion

23. When it comes to numerical calculations generally, would you describe yourself as someone who is comfortable estimating an answer or who likes to use a formula to get a precise answer? (PLEASE CHECK ONE)

☐ Comfortable estimating ☐ Likes to use a formula to get a precise answer

24. How knowledgeable are you about business software or databases in general?

☐ Very ☐ Somewhat ☐ Not very ☐ Not at all

If you have knowledge, please explain: _____

25. Have you ever worked for a “high tech” company? ☐ Yes ☐ No

If yes, which company(ies)? What did you do there? _____

26. Do you have any strong feelings about any computer software companies? ☐ Yes ☐ No

If yes, which companies? Please explain.

27. Have you, a family member, or someone close to you taken any courses or had any specialized training or experience (including work experience) involving the following?

(If yes, please specify who and explain the training or experience you or they have had.)

	YES	NO	Please Explain
Computer/Technical			
Software Systems and/or Development			
Information Technology (IT)			
Business/Management			
Sales			
Contracts			

Copyrights/Patents/ Trademarks			
Law			

28. Do you, a family member, or someone close to you have any knowledge, training, advanced education, or work experience with any of the following software systems?
(Please check all that apply):

- ☐ Timekeeping software
- ☐ Enterprise software, including but not limited to Human Resource
- ☐ Management software (HRMS), accounting software, Customer Relationship
- ☐ Management software (CRM), Supply Chain Management software,
- ☐ Financials, Distribution and Manufacturing software, Enterprise Performance
- ☐ Management software (EPM), Student Administration software
- ☐ Database software
- ☐ Any Oracle product: (please specify) _____
- ☐ Any PeopleSoft product: (please specify) _____
- ☐ Any J.D. Edwards product: (please specify) _____
- ☐ Any Siebel product: (please specify) _____
- ☐ Any SAP product: (please specify) _____

If yes, please identify who and explain: _____

Business and Intellectual Property Experience

29. Have you, a family member, or someone close to you ever purchased, owned, or run a business (either personally or on behalf of your/their employer)?

☐ Yes ☐ No

If yes, please explain: _____

Was the business successful? ☐ Yes ☐ No ☐ Not sure

30. Have you ever been:

a. An officer or director of a company

___ Yes ___ No

b. A shareholder of a company

___ Yes ___ No

c. An executive, manager, or supervisor of a company

___ Yes ___ No

31. Have you ever had an experience where you believe a business competitor to either a business you owned or worked at competed in an unfair or improper manner? ___ Yes ___ No

If yes, please explain: _____

32. Have you ever held a job in which you negotiated licenses for intellectual property, such as patents, copyrights, or trademarks? ___ Yes ___ No

If yes, please explain: _____

33. Have you or anyone close to you ever applied for a patent, copyright or trademark?

___ Yes ___ No

If yes: Who? What was it for (general description)? Was the application granted?

34. Have you ever believed or had the experience that someone else has used your intellectual property or work product (or that of someone close to you) inappropriately?

____ Yes ____ No

If so, what happened? Explain the circumstances and what you did about the situation, if anything. _____

Legal Experience and Opinions

35. If you have served on a jury before:

How many times? _____

What type of case(s)? _____

In what court? (State/County or Federal) _____

Did you ever serve as a jury foreperson? ____ Yes ____ No

How many of the jury(ies) on which you served reached a verdict? _____

36. Have you, a family member, or close friend ever been involved in a lawsuit (either filed a lawsuit, been sued, been a witness in a civil or criminal case, or given deposition testimony)?

____ Yes ____ No

If yes, please note who and explain the circumstances (including whether the outcome was satisfactory): _____

37. Generally speaking, do you think that money damage awards from lawsuits in the U.S. are:

____ Too high ____ About right ____ Too low ____ No opinion

Memberships, Associations, and Activities

38. Are you a member of a union? ____ Yes ____ No

If yes, have you ever been a shop steward, union representative, business agent or an elected union official (please specify which one)? _____

39. To what social, civic, professional, trade, volunteer, or other organizations do you or your significant other belong? Please list any offices you or your significant other have held in any organizations you identify.

40. Do you participate in competitive sports activities on a regular basis? ____ Yes ____ No

Sources of News, Use of Technology, and Opinions about the Marketplace

41. Do you follow the news on a regular basis? ____ Yes ____ No

42. What types of television/radio programs, books, magazines, newspapers, and websites do you typically read/visit?

43. Do you (CHECK ALL THAT APPLY):

				If yes, how often?
Use a computer at work?	____	Yes	____	No ____
Use a computer at home?	____	Yes	____	No ____
Use the internet to find information?	____	Yes	____	No ____
Use the internet to download?	____	Yes	____	No ____
Troubleshoot or repair computers?	____	Yes	____	No ____
Feel comfortable using a computer?	____	Yes	____	No ____
Feel comfortable with computer terminology?	____	Yes	____	No ____

44. Do you regularly read and/or contribute to online blogs? If yes, what are the names or types of blogs you read?

Service on this Jury Panel

45. Describe any vision, hearing, language, or other medical problems that may affect your jury service:

46. Do you know anyone on this jury panel?

____ Yes (Who? _____) ____ No

47. If you have relatives or close personal friends who are judges or attorneys or court personnel, what are their names and relationship to you, and where are they located? (If they are judges or court personnel, please indicate the court where they work, if you know.)

48. One of the defendants in this case, SAP AG, is based in Germany. Do you believe you will be able to give fair and equal consideration to SAP AG, knowing it is a German company?

___ Yes ___ No

49. Is there anything else you think the Court and parties in this dispute should know about you that would affect your ability to be a fair and impartial juror in this case?

___ Yes ___ No

If yes, please describe. _____

VERIFICATION

I, _____, declare under penalty of perjury under the laws of the State of California that the foregoing responses I have given on this Juror Questionnaire, and on any attached sheets, if any, are true and correct to the best of my knowledge and belief.

(Date)

(Signature)

Thank you for your answers.

Before returning this questionnaire to the Court, please check to see that you have answered all the questions.

APPENDIX 1

[Updated witness list to be inserted]